

REMARKS

In the non-final Office Action, the Examiner rejected claims 1-27 under 35 U.S.C. § 103(a) as unpatentable over Brown et al. (U.S. Patent No. 5,535,261) in view of Gainsboro (U.S. Patent Application Publication No. 2002/0071537) and Gainsboro et al. (U.S. Patent Application Publication No. 2001/0036821).

Applicant respectfully traverses the Examiner's rejection under 35 U.S.C. § 103. Claims 1-27 remain pending.

Independent claim 1, for example, is directed to a method of discovering inmate-employee fraternization. The method comprises monitoring a plurality of inmate communications; comparing the plurality of monitored inmate communications to information relating to inmates and employees located in a database; determining, based at least on the results of the comparing, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing; and performing a predetermined action if one of the plurality of communications indicates that the employee and inmate are fraternizing.

Neither Brown et al., Gainsboro, nor Gainsboro et al., whether taken alone or in any reasonable combination, discloses or suggests the combination of features recited in claim 1. For example, neither Brown et al., Gainsboro, nor Gainsboro et al. discloses or suggests comparing the plurality of monitored inmate communications to information relating to inmates and employees located in a database.

The Examiner alleged that Brown et al. discloses comparing a plurality of monitored communications to information in a database to determine if a call is to be blocked or recorded and cited column 2, line 45 - column 3, line 60 and column 4, lines 19-24 (Office Action, page

3). Regardless of the accuracy of the Examiner's allegation, Applicant submits that the Examiner is not addressing the features of claim 1. Claim 1 does not recite comparing a plurality of monitored communications to information in a database to determine if a call is to be blocked or recorded. Instead, claim 1 recites comparing the plurality of monitored inmate communications to information relating to inmates and employees located in a database.

Brown et al. does not disclose or suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees, as required by claim 1. Instead, Brown et al. discloses that an administrator specifies which telephone lines will be subject to recording and identifies the particular events that will trigger recording (col. 3, lines 17-20). If a triggering event occurs during a call, the system records the call, digitizes the recording, stores the digitized recording, and stores descriptive information regarding the call (col. 3, lines 46-49). Nowhere does Brown et al. disclose or remotely suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees, as required by claim 1.

Gainsboro and Gainsboro et al. also do not disclose or suggest this feature. With regard to this feature, the Examiner alleged that Gainsboro et al. discloses: (1) using voice recognition so a comparison can be made to a database to determine if criminal conspiracies or escape attempts/plans are occurring and cited paragraphs 0001-0005 of Gainsboro et al. for support; (2) recording calls after a predetermined keyword is spoken and compared to words stored in a central database and cited paragraphs 0009-0010 and 0020-0022 of Gainsboro et al. for support; and (3) recording inmate calls, digitizing them, and comparing them to a keyword database to determine if a criminal conspiracy is about to occur or an escape is being plotted and cited

paragraphs 0025-0027 of Gainsboro et al. for support (Office Action, pages 4-5). Applicant respectfully submits that regardless of the accuracy of the Examiner's allegations, Gainsboro et al. does not disclose or suggest comparing the plurality of monitored inmate communications to information relating to inmates and employees located in a database, as required by claim 1.

Paragraph 0001 of Gainsboro et al. corresponds to the "Cross-Reference to Related Applications" section. Nothing in this section can remotely be alleged to correspond to comparing the plurality of monitored inmate communications to information relating to inmates and employees located in a database, as required by claim 1.

Paragraph 0002 of Gainsboro et al. corresponds to the "Technical Field of the Invention" section. In this section Gainsboro et al. discloses that the Gainsboro et al. invention relates to an apparatus and method for the detection, interception, and/or control of wireless radiotelephone communications initiated either from within the institution to some location outside the institution or from outside the institution to an individual within the institution. Nowhere in this section, or elsewhere, does Gainsboro et al. disclose or remotely suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, as required by claim 1.

Paragraphs 0003-0005 of Gainsboro et al. correspond to the "Background of the Invention" section. In this section, Gainsboro et al. discloses that telephone systems of correctional environments require additional security considerations because without appropriate controls on telephone access, inmates have been known to use the telephones to harass outside parties (such as witnesses who testified against them, attorneys who prosecuted their case, employees of the courts, etc.), to perpetrate fraudulent schemes, and to participate in criminal

conspiracies (such as arranging the smuggling of contraband into the prison, directing an outside criminal enterprise, plotting escape attempts or credit card fraud). Nowhere in this section, or elsewhere, does Gainsboro et al. disclose or remotely suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, as required by claim 1.

At paragraph 0009, Gainsboro et al. discloses that it may be desirable that calls to certain numbers be monitored live, while others need only be recorded, or that calls be recorded only after a predetermined keyword is spoken. Nowhere in this section, or elsewhere, does Gainsboro et al. disclose or remotely suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, as required by claim 1.

At paragraph 0010, Gainsboro et al. discloses that it would be highly desirable to have a system that automatically initiates the appropriate monitoring and/or recording depending on the identity of the caller, the identity of the called party, or the words that are spoken. Nowhere in this section, or elsewhere, does Gainsboro et al. disclose or remotely suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, as required by claim 1.

At paragraphs 0020-0022, Gainsboro et al. discloses a method and apparatus for managing wireless telephone activity in an institution by, for example, intercepting a wireless transmission, acquiring identifying data associated with the wireless transmission, comparing the identifying data with a preauthorized list of allowed identifying data, and determining whether to permit the wireless transmission based on the comparing. Nowhere in this section, or elsewhere, does Gainsboro et al. disclose or remotely suggest comparing a plurality of monitored inmate

communications to information relating to inmates and employees located in a database, as required by claim 1.

At paragraphs 0025-0027, Gainsboro et al. discloses that the principal feature of the Gainsboro et al. invention is the implementation of a way to detect, monitor, record and control inmate or other regulated caller wireless telephone calls or other wireless transmissions to outside parties; to prevent unauthorized receipt by inmates of wireless telephone calls or other wireless transmissions; and to detect, trace, and prevent unauthorized wireless telephone calls whereby the called parties act to bridge the inmate or regulated caller to some third party. Nowhere in this section, or elsewhere, does Gainsboro et al. disclose or remotely suggest comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, as required by claim 1.

Brown et al., Gainsboro, and Gainsboro et al. also do not disclose or suggest determining, based at least on the results of the comparing, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing, as further recited in claim 1. In fact, Brown et al., Gainsboro, and Gainsboro et al. are completely silent with regard to employee-inmate fraternization.

The Examiner alleged that Gainsboro discloses that inmate communications are monitored to detect security breaches so that reports and alarms may be generated thereby allowing the system administrator the ability to cut off inmate calls on an individual or global basis and cited the Abstract and paragraphs 0003, 0008, 0009, 0012, 0013, 0017, and 0031-0037 of Gainsboro for support (Office Action, page 4). Applicant respectfully submits that Gainsboro does not disclose or remotely suggest comparing a plurality of monitored inmate

communications to information relating to inmates and employees located in a database.

Therefore, Gainsboro cannot disclose or suggest determining, based at least on the results of the comparing, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing, as required by claim 1.

Instead, at the sections identified by the Examiner, Gainsboro discloses a technique for determining what level of monitoring (live, call recording, or passive line monitoring) should be used for a particular telephone call (paragraphs 0008, 0009, 0012, and 0017). Gainsboro does not disclose or suggest determining, based at least on the results of comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing, as required by claim 1. Brown et al. and Gainsboro et al. also do not disclose or suggest this feature.

Because Brown et al., Gainsboro, and Gainsboro et al. are silent with regard to determining, based at least on the results of comparing a plurality of monitored inmate communications to information relating to inmates and employees located in a database, if one or more of the plurality of communications indicate that an employee and inmate are fraternizing, Brown et al., Gainsboro, and Gainsboro et al., whether taken alone or in any reasonable combination, cannot disclose or suggest performing a predetermined action if one of the plurality of communications indicates that the employee and inmate are fraternizing, as further recited in claim 1.

For at least these reasons, Applicant submits that claim 1 is patentable over Brown et al., Gainsboro, and Gainsboro et al., whether taken alone or in any reasonable combination. Claims

2-8 depend from claim 1 and are, therefore, patentable over Brown et al., Gainsboro, and Gainsboro et al. for at least the reasons given with regard to claim 1. Claims 2-8 are also patentable for reasons of their own.

For example, claim 3 recites comparing data associated with the communications determined as indicating that an employee and inmate are fraternizing, to data in a suppression database. Neither Brown et al., Gainsboro, nor Gainsboro et al. discloses or suggests this feature.

The Examiner alleged that Gainsboro discloses that inmate communications are monitored to detect security breaches so that reports and alarms may be generated thereby allowing the system administrator the ability to cut off inmate calls on an individual or global basis and cited the Abstract and paragraphs 0003, 0008, 0009, 0012, 0013, 0017, and 0031-0037 of Gainsboro for support (Office Action, page 6). Regardless of the accuracy of the Examiner's allegation, Applicant submits that the Examiner is not addressing the feature of claim 3. Claim 3 does not recite comparing a plurality of monitored communications to information in a database to determine if a call is to be blocked or recorded. Instead, claim 3 recites comparing data associated with the communications determined as indicating that an employee and inmate are fraternizing to data in a suppression database. None of the sections of Gainsboro identified by the Examiner discloses or remotely suggests this feature. Therefore, the Examiner has not established a prima facie case of obviousness with regard to claim 3.

Applicant identified this deficiency in the Examiner's rejection in the Amendment, filed July 15, 2005. The Examiner maintained the rejection but did not address Applicant's arguments. Applicant respectfully requests that if the Examiner maintains the rejection in

response to the arguments provided above, that the Examiner specifically identify where in the disclosures of Brown et al., Gainsboro, or Gainsboro et al. the feature of claim 3 is allegedly disclosed. Otherwise, Applicant respectfully requests that the rejection be withdrawn.

For at least these additional reasons, Applicant submits that claim 3 is patentable over Brown et al., Gainsboro, and Gainsboro et al.

Claim 4 recites that the report highlights or omits any communications in which its associated data and the data in the suppression database match. Neither Brown et al., Gainsboro, nor Gainsboro et al. discloses or suggests this feature.

The Examiner alleged that Gainsboro discloses that inmate communications are monitored to detect security breaches so that reports and alarms may be generated thereby allowing the system administrator the ability to cut off inmate calls on an individual or global basis and cited the Abstract and paragraphs 0003, 0008, 0009, 0012, 0013, 0017, and 0031-0037 of Gainsboro for support (Office Action, page 6). Regardless of the accuracy of the Examiner's allegation, Applicant submits that the Examiner is not addressing the feature of claim 4. Claim 4 does not recite comparing a plurality of monitored communications to information in a database to determine if a call is to be blocked or recorded. Instead, claim 4 recites that a report highlights or omits any communications in which its associated data and the data in the suppression database match. None of the sections of Gainsboro identified by the Examiner discloses or remotely suggests this feature. Therefore, the Examiner has not established a prima facie case of obviousness with regard to claim 4.

Applicant identified this deficiency in the Examiner's rejection in the Amendment, filed July 15, 2005. The Examiner maintained the rejection but did not address Applicant's



arguments. Applicant respectfully requests that if the Examiner maintains the rejection in response to the arguments provided above, that the Examiner specifically identify where in the disclosures of Brown et al., Gainsboro, or Gainsboro et al. the feature of claim 4 is allegedly disclosed. Otherwise, Applicant respectfully requests that the rejection be withdrawn.

For at least these additional reasons, Applicant submits that claim 4 is patentable over Brown et al., Gainsboro, and Gainsboro et al.

Independent claims 9, 17, 18, and 23 recite features similar to, but different in scope from, features recited in claim 1. Claims 9, 17, 18, and 23 are, therefore, patentable over Brown et al., Gainsboro, and Gainsboro et al., whether taken alone or in any reasonable combination, for at least reasons similar to reasons given with regard to claim 1. Claims 10-16, 19-22, and 24-27 depend from claims 9, 18, and 23, respectively. Claims 10-16, 19-22, and 24-27 are, therefore, patentable over Brown et al., Gainsboro, and Gainsboro et al. for at least the reasons given with regard to claims 9, 18, and 23. Claims 10-16, 19-22, and 24-27 also recite features similar to, but different in scope from, features recited in claims 2-8. Claims 10-16, 19-22, and 24-27 are, therefore, also patentable over Brown et al., Gainsboro, and Gainsboro et al. for at least reasons similar to reasons given with regard to claims 2-8.

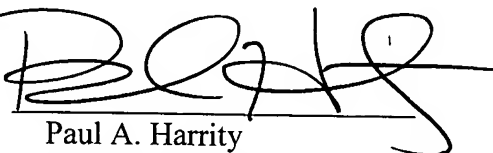
In view of the foregoing remarks, Applicant respectfully requests the Examiner's reconsideration of the application and the timely allowance of claims 1-27.

If the Examiner believes that the application is not now in condition for allowance, Applicant respectfully requests that the Examiner contact the undersigned to discuss any outstanding issues.

To the extent necessary, a petition for an extension of time under 37 C.F.R. § 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account No. 13-2491 and please credit any excess fees to such deposit account.

Respectfully submitted,

HARRITY & SNYDER, L.L.P.

By:   
Paul A. Harrity  
Reg. No. 39,574

Date: 11/18/2005

11240 Waples Mill Road  
Suite 300  
Fairfax, Virginia 22030  
(571) 432-0800